

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office

Phone (415) 355-7900 Fax (415) 355-8566

<http://www.ca9.uscourts.gov/mediation>

**MEDIATION QUESTIONNAIRE**

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are **not** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s):	15-16440		
District Court/Agency Case Number(s):	07-2513		
District Court/Agency Location:	District of Arizona		
Case Name:	Melendres	v.	Arpaio
If District Court, docket entry number(s) of order(s) appealed from:	Docket Nos. 1093; 1094; 1164; 1167		
Name of party/parties submitting this form:	Putative Intervenor Dennis Montgomery		

Please briefly describe the dispute that gave rise to this lawsuit.

The original case has no relationship to the Intervenor's limited involvement in the case. The original case was filed in 2007 and resulted in a final judgment, a permanent injunction against the Maricopa County Sheriff's office, on October 2, 2013. Subsequently, in January 16, 2014, the case entered a post-judgment case for contempt. See Order, Doc. No. 856, Page 2. On April 23, 2015, Dennis Montgomery was raised for the first time on entirely new issues unrelated to any of the prior issues ever raised in the case.

Briefly describe the result below and the main issues on appeal.

The District Court denied Putative Intervenor Dennis Montgomery's Motion to Intervene, admission of his attorney Pro Hac Vice, and also denied Mr. Montgomery's Motion to Disqualify the Court.

Describe any proceedings remaining below or any related proceedings in other tribunals.

The Intervenor repeatedly attempted to intervene and protect his interests but was denied the opportunity. The. Reportedly, the actual Defendants are also filing a Petition for Writ of Mandamus related to disqualification of the presiding judge.

Intervenor has also filed a judicial complaint for disqualification (disability and misconduct).

Provide any other thoughts you would like to bring to the attention of the mediator.

It may be difficult to engage in mediation because most of these events have been driven and taken on the initiative of the presiding judge.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at [ca09\\_mediation@ca9.uscourts.gov](mailto:ca09_mediation@ca9.uscourts.gov). Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

## CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached

☒ (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list

☒ may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

**Note:** Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **To file this form electronically** in Appellate ECF, complete the form, and then print the filled-in form to PDF (File > Print > PDF Printer/Creator). Then log into Appellate ECF and choose Forms/Notices/Disclosure > File a Mediation Questionnaire.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on July 27, 2015.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system on the following:

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